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REGAL CINEMAS, INC. (Erroneously
Sued Herein as REGAL CINEMAS, INC.
dba REGAL RED ROCK)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE D. MORLETT, Individually,

Plaintiff,

vs.

REGAL CINEMAS, INC., a foreign
corporation dba REGAL RED ROCK; DOES I-
X, and ROE CORPORATIONS I-X, inclusive,

Defendants.

CASE NO. 2:23-cv-02152-GMN-DJA

**STIPULATION AND ORDER
EXTENDING DISCOVERY
DEADLINES (Second Request)**

Pursuant to LR IA 6-1 and LR 26-3, Plaintiff Jose Morlett, by and through his counsel of record, Arias Sanguinetti Wang & Team, LLP, and Defendant Regal Cinemas, Inc. (Erroneously Sued herein as Regal Cinemas, Inc. dba Regal Red Rock), by and through its counsel of record, Thorndal Armstrong, PC, hereby stipulate and request that this Court extend discovery deadlines in the above-captioned case ninety (90) days as outlined herein. This is the second request for an extension of time.

I. SUMMARY OF CASE

This case arises out of an alleged fall on Defendant's property in Las Vegas, Clark County, Nevada on May 6, 2023.

The Complaint in this matter was filed in the Eighth Judicial District Court, Clark County, Nevada on November 7, 2023. Defendant filed its Answer to Plaintiff's Complaint on December 21, 2023. Thereafter, on December 28, 2023, Defendant filed a Notice of Removal

1 along with the corresponding Petition for Removal [ECF No. 1], Certificate of Interested Parties
2 [ECF No. 2] and Statement of Removal [ECF No. 3].

3 The parties have been participating in discovery and have completed document
4 productions, written discovery, an expert property inspection and have been working on setting
5 depositions and mediation.

6 The parties submit there is good cause for an extension of time to complete remaining
7 necessary discovery and make this request in good faith and not to delay proceedings.

8 **II. DISCOVERY COMPLETED**

- 9 • On February 6, 2024, Defendant served interrogatories and requests for production on
10 Plaintiff.
- 11 • On February 23, 2024, Defendant made its initial disclosure pursuant to FRCP 26(a)(1).
- 12 • On February 24, 2024, Plaintiff made his initial disclosure pursuant to FRCP 26(a)(1).
- 13 • On April 1, 2024, Plaintiff served his first supplemental disclosure pursuant to FRCP
14 26(a)(1).
- 15 • On April 1, 2024, Plaintiff responded to Defendant's written discovery.
- 16 • On April 23, 2024, Plaintiff propounded written discovery on Defendant.
- 17 • On **April 11, 2024**, Defendant served its first supplemental disclosure pursuant to FRCP
18 26(a)(1).
- 19 • **On April 23, 2024 Plaintiff served interrogatories and requests for production on**
20 **Defendant.**
- 21 • On May 23, 2024, Defendant responded to the interrogatories and requests.
- 22 • Defendant made their second supplemental disclosure pursuant to FRCP 26(a)(1) on May
23 23, 2024.
- 24 • Defendant made their third supplemental disclosure pursuant to FRCP 26(a)(1) on July 1,
25 2024.
- 26 • **On October 18, 2024 a joint expert inspection of the subject Regal theater and**
27 **auditorium was completed.**

- 1 • On November 22, 2024 Plaintiff served his second supplemental disclosure pursuant
- 2 to FRCP 26(a)(1).
- 3 • On November 22, 2024 Plaintiff and Defendant served their Initial Expert
- 4 Designations.
- 5 • On December 16, 2024 Defendant completed the deposition of Plaintiff.
- 6 • On December 18, 2024 Plaintiff served a second set of interrogatories and requests
- 7 for production, and first set of requests for admissions on Defendant.
- 8 • On December 23, 2024 Plaintiff and Defendant served their Rebuttal Expert
- 9 Designations.

10 **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

- 11 • Responses to Plaintiff's recent submission of additional written discovery.
- 12 • Deposition of Regal General Manager Julian Servin tentatively set for January 27, 2025.
- 13 • Deposition of Carlos Flores – A Security Officer employed by Red Rock Casino who
- 14 prepared an incident report after the subject fall.
- 15 • Deposition of Robert Daley – A patron who sat next to Plaintiff and may have witnessed
- 16 Plaintiff's fall.
- 17 • Deposition of David Benjamin – Red Rock Casino Security Supervisor.
- 18 • Deposition of the FRCP 30(b)(6) for Defendant.
- 19 • Expert depositions.
- 20 • Deposition of Sergio Ernesto Morlett, Plaintiff's brother.
- 21 • Depositions of Plaintiff's medical providers.
- 22 • Depositions of any other fact witnesses.
- 23 • Depositions of expert witnesses.
- 24 • Potential additional written discovery.
- 25 • Disclosure of additional documents as needed.

26 **IV. REASONS WHY PARTIES ARE REQUESTING EXTENSION**

27 The parties are seeking a 90-day extension. As the Court can see, the parties have been
28 diligently proceeding with discovery including written discovery, document production,

deposition of Plaintiff, expert property inspection and production of expert reports and expert rebuttal reports. The parties seek additional time to complete remaining discovery including depositions of witnesses which were delayed in part due to holiday schedules including Regal General Manager Julian Servin, who was on vacation for a significant portion of December 2024 and is out of state for several portions of January 2025. The parties are attempting to set his deposition for January 27, 2025 by agreement. The parties are also attempting to set dates for expert depositions, and setting a Mediation. The parties would like to mediate the case prior to depositing experts. The parties are working on setting a Mediation with Mediator Jay Young of Advanced Resolution Management on or about February 12, 2025 (and possibly on a date in early March 2025) or Ret. Judge Jennifer Togliatti on or about March 4th through 11th, 2025 depending on client availability for the parties. The parties seek this extension in good faith and not for purpose of delay. Below is a proposal based on the current 90-day extension request.

V. PROPOSED REVISED DISCOVERY SCHEDULE

	CURRENT DEADLINE	PROPOSED DEADLINE
Initial Expert Designation	Closed	NA
Rebuttal Expert Designation	Closed	NA
Discovery Cut-Off	January 21, 2025	April 21, 2025
Dispositive Motions	February 21, 2025	May 21, 2025
Joint Proposed Pre-Trial Order	March 21, 2025	June 20, 2025

Dated this 6th day of January 2025.

ARIAS SANGUINETTI WANG
& TEAM LLP

/s/ Christopher A.J. Swift

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Attorneys for Plaintiff,
Jose Morlett

Dated this 7th day of January 2025.

THORNDAL ARMSTRONG, PC

/s/ Michael C. Hetey

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ORDER

IT IS SO ORDERED that the parties' stipulation extending discovery deadlines (ECF No. 13) is GRANTED.

DATED: 1/8/2025



UNITED STATES MAGISTRATE JUDGE